

**REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 7 and 15-30 are pending. Of these pending claims, the Examiner withdrew claims 15-30 from consideration. Thus, claim 7 is currently being considered by the Examiner.

**ELECTION/RESTRICTION NOT PROPER**

Applicant maintains that the Examiner's withdrawal of claims 15-30 is improper. See *March 17, 2004 Reply, pages 2-4*. The Examiner merely repeated the features of the claims as the basis for withdrawing the claims. See *November 17, 2003 Office Action*. A mere repeat of the features cannot meet the requirement of demonstrating that the two or more claims are able to support separate patents and they are either separate or distinct. Also, the Examiner failed to establish that a serious burden would occur. Therefore, Applicant respectfully requests that all pending claims be examined on the merits in the present application.

§ 103 REJECTION - ALPEROVICH, NIWA

Applicant maintains that claim 7 is distinguishable over the combination of Alperovich et al. (USPN 6,317,609, hereinafter "Alperovich") and Niwa (USPN 6,538,692). *See March 17, 2004 Reply, pages 5-7.*

Applicant demonstrated that the combination of references cannot teach or suggest at least the claimed feature of "judgment means for judging whether or not the data amount of the image data to be received by said second receiving means is not more than the amount of data which can be stored in said second image processor, said second receiving means receiving the image data when it is judged that the data amount of the image data to be received by said second receiving means is not more than the amount of data which can be stored in said second image processor".

Applicant also demonstrated that the Examiner's reliance on Niwa's disclosure is flawed. More specifically, it was demonstrated that in Niwa, the data received from the CCD camera 2 is **not** interrupted at all. The data is simply redirected to an alternative memory (internal or external). *See Niwa, column 5, line 66 - column 6, line 5 and column 6, lines 8-14.* This is to achieve the stated objective of Niwa to allow all desired image

data to be recorded without interruption. In other words, the data is **always** received in Niwa.

In contrast, in claim 7 as recited, data is received only if it is determined if there is enough storage space, i.e. the data is **not** always received. Thus, the Examiner's purported motivation to combine is **not applicable**. Indeed, modifying Niwa in the manner suggested by the Examiner would render Niwa unsatisfactory for its intended purpose, which is not allowed. See *M.P.E.P* 2103.01.

In response, the Examiner asserted that the feature of "receiving data only if it is determined if there is enough space" is not in the claim. See *June 3, 2004 Final Office Action*, page 2, last paragraph continuing to page 3.

Applicant respectfully disagrees. As noted above, claim 7 recites, in part, "receiving the image data when it is judged that the data amount of the image data to be received by said second receiving means is not more than the amount of data which can be stored." Clearly, the above-noted feature is claimed.

For all the reasons stated previously, claim 7 is distinguishable from the combination of Alperovich and Niwa.

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Applicant respectfully requests that the rejection of claim 7, based on Alperovich and Niwa, be withdrawn.

#### **CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

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required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension  
of time fees.

Respectfully submitted,

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